section V, paragraph [41(d)] of the Defense Industrial Security Manual are met.

§ 250.9 Notice to accompany the dissemination of export-controlled technical data.

- (a) Export of information contained herein, which includes, in some circumstances, release to foreign nationals within the United States, without first obtaining approval or license from the Department of State for items controlled by the International Traffic in Arms Regulations (ITAR), or the Department of Commerce for items controlled by the Export Administration Regulations (EAR), may constitute a violation of law.
- (b) Under 22 U.S.C. 2778 the penalty for unlawful export of items or information controlled under the ITAR is up to 2 years imprisonment, or a fine of \$100,000, or both. Under 50 U.S.C., appendix 2410, the penalty for unlawful export of items or information controlled under the EAR is a fine of up to \$1,000,000, or five times the value of the exports, whichever is greater; or for an individual, imprisonment of up to 10 years, or a fine of up to \$250,000, or both.
- (c) In accordance with your certification that establishes you as a "qualified U.S. contractor," unauthorized dissemination of this information is prohibited and may result in disqualification as a qualified U.S. contractor, and may be considered in determining your eligibility for future contracts with the Department of Defense.
- (d) The U.S. Government assumes no liability for direct patent infringement, or contributory patent infringement or misuse of technical data.
- (e) The U.S. Government does not warrant the adequacy, accuracy, currency, or completeness of the technical data.
- (f) The U.S. Government assumes no liability for loss, damage, or injury resulting from manufacture or use for any purpose of any product, article, system, or material involving reliance upon any or all technical data furnished in response to the request for technical data.
- (g) If the technical data furnished by the Government will be used for commercial manufacturing or other profit

potential, a license for such use may be necessary. Any payments made in support of the request for data do not include or involve any license rights.

(h) A copy of this notice shall be provided with any partial or complete reproduction of these data that are provided to qualified U.S. contractors.

PART 252—DEPARTMENT OF DE-FENSE OFFSHORE MILITARY AC-TIVITIES PROGRAM

Sec.

- 252.1 Reissuance and purpose.
- 252.2 Applicability and scope.
- 252.3 Definitions.
- 252.4 Policy.
- 252.5 Responsibilities.

AUTHORITY: 5 U.S.C. 301.

SOURCE: 52 FR 39222, Oct. 21, 1987, unless otherwise noted.

§ 252.1 Reissuance and purpose.

This part reissues 32 CFR part 252 to update policies and procedures for the use of offshore areas by the Department of Defense. It shall serve as the basis for a comprehensive Offshore Military Activities Program.

§ 252.2 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments (including their National Guard and Reserve components), the Organization of the Joint Chiefs of Staff (OJCS), and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) Concerns the use of offshore areas for military purposes. It does not limit the responsibilities of the Secretary of the Navy assigned under 33 U.S.C. 1101 *et seq.*

§ 252.3 Definitions.

Offshore areas. The submerged land areas defined in 43 U.S.C. 1301 et seq. and 43 U.S.C. 1331 et seq. and the adjacent waters affected by the use of those submerged lands.

Offshore Military Activities Program. The program established to implement DoD policies and procedures for those activities, operations, and installations that require an offshore environment and that may impact on offshore areas.